

Atty Dkt. No.: IRVN-005cip
USPN: 09/771,263

specification at page 4, lines 12-14; page 8, line 27 to page 9, line 2; page 46, lines 25-28; page 47, lines 26-28; claim 24 as originally filed; and in the abstract;

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

No new matter has been added.

Applicants request that upon allowance of the claims, that the claims be renumbered so that claim 25 follows claim 1, and claim 26 follows claim 6.

Restriction Requirement

The Office Action of January 30, 2002 required election of one of the following groups of claims:

- Group I: Claims 1-15, drawn to a composition and kit product comprising alloactivated lymphocytes;
- Group II: Claims 16-18, drawn to a device for treatment of a tumor;
- Group III: Claims 19, 21, and 23-24, drawn to a method of treating a tumor; and
- Group IV: Claims 20 and 22, drawn to a method of inducing an immune response to a tumor.

Applicants hereby elect to prosecute the claims of Group I, claims 1-15, without traverse.

Applicant requests rejoinder of all the other groups of claims into the group under examination upon allowance of claims in Group I, in accordance with MPEP §821.04.

Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

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Conclusion

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number IRVN005CIP.

Respectfully submitted,
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Date: March 28, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES

Claims 1,13 and 15 are amended as follows.

1. (Amended) A pharmaceutical composition suitable for administration to a human, comprising alloactivated lymphocytes in a compatible pharmaceutical excipient[.] wherein administration of the composition to a patient having a tumor elicits an immunological response by the patient against the tumor.
13. (Amended) The composition of claim 1, wherein the lymphocytes are alloactivated by coculturing with allogenic human cells [ex AM] ex vivo for between about 12 hours and 5 days.
15. (Amended) A kit comprising components of the composition of [claim1] claim 6 in separate containers.

Add new claims 25 and 26.